

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

VICTOR VOE, by and through his
parents and next friends, Vanessa Voe
and Vance Voe; *et al.*,

Plaintiffs,

v.

THOMAS MANSFIELD, in his
official capacity as Chief Executive
Officer of the North Carolina Medical
Board; *et al.*,

Defendants,

and

PHILIP E. BERGER, in his official
capacity as President Pro Tempore of
the North Carolina Senate, and
TIMOTHY K. MOORE, in his official
capacity as Speaker of the North
Carolina House of Representatives,

Intervenor-Defendants.

CASE NO. 1:23-cv-864-LCB-LPA

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56(a) and Local Rule 56.1, Plaintiffs Victor Voe, by and through his parents and next friends, Vanessa Voe and Vance Voe; Vanessa Voe; Vance Voe; Riley Smith, M.D., on behalf of his patients; Joy Doe, by and through her parents and next friends, Jennifer Doe and James Doe; Jennifer Doe; James Doe; PFLAG, Inc.; American Association of Physicians for Human Rights, Inc. d/b/a GLMA: Health Professionals Advancing LGBTQ+ Equality (collectively, "Plaintiffs"),

respectfully move the Court for summary judgment on all claims, seeking declaratory and permanent injunctive relief.

Plaintiffs' motion seeks a judgment as to liability on their claims that Defendants' enforcement of Sections 1 and 3 of House Bill 808 ("HB808") violates the right to equal protection guaranteed by the Fourteenth Amendment's Equal Protection Clause, U.S. Const. amend. XIV, § 1; the right to parental autonomy guaranteed by the Fourteenth Amendment's Due Process Clause, *id.*; Section 1557 of the Affordable Care Act ("ACA"), 42 U.S.C. § 18116; and the Medicaid Act's EPSDT requirements, 42 U.S.C. §§ 1396a(a)(10)(A), 1396a(a)(43)(C), 1396d(a)(4)(B), and 1396d(r)(5).

Plaintiffs respectfully request that this Court issue a declaratory judgment finding that Defendants' enforcement of HB808 violates Plaintiffs' rights under the Equal Protection Clause, Due Process Clause, ACA, and Medicaid Act's EPSDT requirements, and permanently enjoin Defendants, their agents, employees, successors, and all others acting in concert with them, from enforcing Sections 1 and 3 of HB808.

* * *

Respectfully submitted,

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Dated: October 10, 2024

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* Appearing by notice of special
appearance pursuant to L.R. 83.1(d).

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, and have verified that such filing was sent electronically using the CM/ECF system to all parties who have appeared with an email address of record.

Dated: October 10, 2024

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